

Remarks/Arguments

Upon entry of the present amendment, claims 1 and 3-6 are pending. Claims 1 and 5 have been amended to recite “A set of purified peptides”. Support for “A set of purified peptides” can be found throughout the specification including on page 2, lines 5-6; page 13, lines 19-32; page 3, line 9 and page 35, line 12. No new matter has been added by way of this amendment.

35 USC § 112, Second Paragraph

Claims 1 and 3-6 are rejected as allegedly being indefinite because the claims are unclear as to whether a peptide fingerprint refers to a data set or a set of polypeptide fragments. Applicants have amended the claims to remove reference to the term “fingerprint” and more clearly state that the claims are directed to a set of polypeptides. Applicants believe that the above amendment addresses the Examiner’s concerns and respectfully requests that this rejection be withdrawn.

35 USC § 101

Claims 1 and 3-6 were interpreted as allegedly being drawn to a data set and rejected as being directed to non-statutory subject matter. The claims of the invention are not directed to a data set but rather a set of purified peptides, which corresponds to a statutory class of invention. Applicants request that this rejection be withdrawn.

35 USC § 102

The claims of the invention are rejected for inherently covering naturally occurring products. The claims have been amended to state that the set of peptides are “purified”. Applicants request that this rejection be withdrawn.

Conclusion

Applicants believe the application is in condition for allowance, which action is respectfully requested. A three month extension of time is being filed herewith. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100924-1P US.

Respectfully submitted,
/Christine McCormack/

Name: Christine McCormack
Dated: February 16, 2010
Reg. No.: 61331
Phone No.: 781 839-4693
Global Intellectual Property, Patents,
AstraZeneca R&D Boston,
35, Gatehouse Drive,
Waltham,
MA 02451